IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.8408 of 1999

Sri-la-Sri Sivaprakasa Pandara
Sannadhi Avargal Adheenakarthar
Thiruvaduthurai Adheenam
Thiruvaduthurai and Hereditary
Trustee of:

1.Thiruvaduthurai Adheenam,
Thiruvaduthurai

2.Sri Gomuktheeswaraswamy Temple,
Thiruvaduthurai

3.Sri Vadavaranyaeswaraswamy Temple,
Thiruvalangadu.

4.Sri Suyambunathaswamy Temple,
Narasinganpettai.

5.Sri Akshayanathaswamy Temple,
Narasinganpettai.

6.Viswanatha Swamy Temple,
Karaikantam

7.Veezhinathaswamy Temple,
Thiruveezhimazhalai

8. Sri Mahalingaswamy Temple,
Thiruvuvidaimarudur.

9.Sri Mayuranathaswamy Temple,
Mayiladuthurai.

10.Prananathaswamy Temple,
Thirumangalakudi.

11.Athmanathaswamy Temple,
Thirupperundurai.

12. Akshyanathaswamy Temple,
Thirumandurai.

13.Kalyanasundareswaraswamy Temple,
Nallur.

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14.Neelakanteswaraswamy Temple,
Illuppapattu.

15. Banapureeswaraswamy Temple,
Vanapuram.

16.Subramaniaswamy Temple,
Karukkuthurai.

17.Somanathaswamy Temple,
Arumuganeri.

18.Vilappojai Kattalai attached to Manenthiappar Temple,
Kallidaikurichi.

19.Pitchai Kattalai attached to Papanaswamy Temple,
Papanasam.

20. Udhayamarthandam Kattalai attached to
Subramaniaswamy Temple, Valliyur.

21.Senthil Thiruppani Kattalai attached to
Subramaniaswamy Temple, Thiruchendur.

22. Senthil Annathana kattalai attached to
Subramaniaswamy Temple, Tiruchendur.

23.Senthil Visaka Kattalai attached to
Subramaniaswamy temple, Thiruchendur.

24.Senthil Arutpani Kattalai attached to
Subramaniaswamy Temple, Thiruchendur.

25.Senthil Pradosha Kattalai attached to
Subramaniaswamy Temple, Tiruchendur.

26.Avudayappa Pillai Kattalai attached to
Meenakshisundareswarar Temple,
Madurai. .. Petitioners.

rep. by his Power of Attorney
Sri-la-Sri Kasi Viswanatha Pandara Sannadhi Avargal
Adheenakarthar Thiruvaduthurai Adeenam,
Thiruvaduthurai.

Versus

1. State of Tamilnadu rep. by Secretary
to Govt. Dept. of Revenue, Fort St.George,
Chennai-9.

2.District Collector, Nagapattinam.
3.District Collector, Tiruvarur.
4.District Collector, Thanjavur
5.District Collector, Tiruchirapalli
6.District Collector, Madurai.

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7.District Collector, Karur.
8.District Collector, Erode.
9.District Collector, Tirunelveli.
10.District Collector, Pudukkottai
11.District Collector, Kanyakumari at Nagercoil.
12.District Collector, Ramanathapuram.
13.District Collector, Virudhunagar. .. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from in any manner collecting the arrears of land revenue upto fasli 1406 for the lands owned by the petitioner.

For petitioner : Mr.T.Sudhan Raj for
Mr.K.Chandrasekaran

For respondents : Mr.M.R.Jothimanian
Government Advocate

O R D E R

Heard Mr.T.Sudhan Raj, the learned counsel appearing for the petitioner and Mr.M.R.Jothimanian, the learned Government Advocate appearing for the respondents.

2. It is submitted that the petitioner/Adheenam is holding vast extent of lands and the income derived from the lands is utilised for the purpose of perpetuation and preservation of its saintly order, maintenance of agamas in temples, chanting of scriptures, daily poojas and conducting festivals etc., and for philanthropic purposes. Though no ceiling had been fixed with regard to the extent of agricultural lands that could be owned by the petitioner/Adheenam, several enactments have been made imposing certain restrictions on the use of such lands. Thus, it was mandated that agricultural lands in excess of 20 standard acres were to be leased out to tenants on yearly basis. The laws had also been enacted providing for the protection of the tenants of such lands and for the constitution of revenue Courts to deal with the disputes arising from such tenancy. However, in course of time, the tenants in the petitioner/Adheenam lands had stopped paying the rent and therefore, the activities of the petitioner/Adheenam were adversely affected. In such circumstances, the petitioner/Adheenam has not been in a position to pay the land revenue as claimed by the authorities of the State of Tamil Nadu. Therefore, the petitioner/Adheenam filed the present writ petition to forbear the respondents from in any manner collecting the arrears of the land revenue upto fasli 1406 for the lands owned by the petitioner/Adheenam.

4. In the counter affidavit filed on behalf of the respondents, it has been stated that the petitioner/Adheenam has not pursued the remedy of approaching the State Government for the reliefs sought for by the Adheenam, as provided by this Court in W.P.No.1271 of 1985. However, the petitioner/Adheenam had preferred a suit in O.S.No.39 of 1998 on the file of the District Munsif Court, Valangaiman at Kumbakonam, for a direction to restrain the revenue authorities from collecting land revenue from

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their tenants.

5. A direction had been issued in the said suit by the District Munsif, directing the revenue authorities not to collect the land revenue from their tenants and to collect the land revenue only as per the existing rules. It has also been stated that the petitioner/Adheenam had not allowed the tenants to pay the kist directly to the revenue authorities, even though the tenants were ready to pay the kist amount to the revenue authorities and to adjust it with the rent payable to the petitioner/Adheenam. However, many of the petitioner/Adheenam's tenants have been paying the rents due from them regularly. Therefore, the relief sought for by the petitioner/Adheenam in the present writ petition cannot be countenanced.

6. On considering the submissions made by the learned counsels appearing for the petitioner/Adheenam, as well as for the respondents, this Court is of the considered view that the relief sought for by the petitioner/Adheenam cannot be granted as the petitioner/Adheenam has not shown sufficient cause or reason to prevent the revenue authorities from initiating the proceedings as provided under law to recover the land revenue due from the petitioner/Adheenam. The allegation of the petitioner/Adheenam that the tenants, who are in occupation of the lands belonging to the petitioner/Adheenam, are not paying the rents has not been substantiated by sufficient proof. Even otherwise, non payment of the rent by the tenant cannot be a sustainable reason for the petitioner/Adheenam to avoid payment of land revenue due from them to the State Government.

7. At this stage, the learned counsel appearing on behalf of the writ petitioner had relied on a decision of this Court made in Dharmapuram Adheenam, Dharmapuram, by its Adheenakarthar Sri la Sri Shanmuga Desika Gnanasambanda Paramacharya Swamigal Avargal, Dharmapuram, reported in 1973 Writ L.R 875 (W.P.Nos.7330 and 7336 of 1984), to pray that the petitioner may be permitted to make a representation to the State Government for necessary exemption or abatement from payment of the land revenue.

8. In such circumstances, this Court is of the view that it is open to the petitioner/Adheenam to submit a representation to the Tamil Nadu State Government, seeking for exemption or abatement relating to levy of land revenue on the petitioner/Adheenam. On such representation being made by the petitioner/Adheenam, it is expected that the authorities concerned would consider and dispose of the same, on merits and in accordance with law, expeditiously.

Accordingly, the writ petition is disposed of with the above observations. No costs.

Sd/-
Asst. Registrar.

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Sub Asst. Registrar.

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To

1. The Secretary
State of Tamilnadu,
Dept. of Revenue, Fort St.George,
Chennai-9.

2.District Collector, Nagapattinam.
3.District Collector, Tiruvarur.
4.District Collector, Thanjavur
5.District Collector, Tiruchirapalli
6.District Collector, Madurai.
7.District Collector, Karur.
8.District Collector, Erode.
9.District Collector, Tirunelveli.
10.District Collector, Pudukkottai
11.District Collector, Kanyakumari at Nagercoil.
12.District Collector, Ramanathapuram.
13.District Collector, Virudhunagar.
+ 1 CC To Mr.K.Chandrasekaran, Advocate SR NO.67608
+ 1 CC to the Government Pleader SR NO 67816

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